

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1331, 1367, 1441 and 1446, Defendant Mercy Jefferson¹ (“Defendant” or “Mercy”) hereby gives notice of the removal of the above-styled action to this Court from the Circuit Court of Jefferson County, State of Missouri. In support of its Notice of Removal, Defendant states as follows:

1. A Petition for Damages was filed October 26, 2022, in the Circuit Court of Jefferson County, State of Missouri, styled *Tricia Dane v. Mercy Jefferson*, Case No. 22JE-CC00858 (hereinafter “the Complaint”).

2. Defendant Mercy was served with a summons and a copy of the Complaint on April 12, 2023.

3. This Notice of Removal is timely because it is filed within the thirty-day period prescribed by 28 U.S.C. § 1446(b).

¹ MHM Support Services is the entity that employed Plaintiff and is the proper defendant in this matter. Mercy Jefferson was not Plaintiff's employer.

4. Venue of this civil action is proper in this Court pursuant to 28 U.S.C. §§ 1391 and 1441(a) because Plaintiff filed her Complaint in the Circuit Court of Jefferson County, Missouri, which is located in the Eastern District's jurisdiction.

5. In her Complaint, Plaintiff purports to bring claims for employment discrimination under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.* *See* Complaint at Counts IV and V.

6. Pursuant to 28 U.S.C. § 1441(a), claims or causes of action presented in state court proceedings where the district courts of the United States have original jurisdiction founded on a claim or right arising under the Constitution, treaties, or laws of the United States are removable without regard to the citizenship of the parties.

7. This Court has original subject matter jurisdiction over this action and, therefore, removal of this action is authorized by 28 U.S.C. §§ 1331 and 1441. *See Parks v. Barnes-Jewish Hosp.*, 2021 WL 4635163 (E.D. Mo. Feb. 9, 2021) (Title VII claims may be removed to federal court).

8. Plaintiff also purports to bring state law claims pursuant to Missouri state law, *i.e.*, the Missouri Human Rights Act, § 213.010, RSMo, *et seq.* *See* Complaint at Counts I, II and III.

9. If a district court has federal question jurisdiction over a complaint that also contains state law claims, the district court may exercise supplemental jurisdiction over those state law claims that are part of the same “case or controversy” as the federal claims. 28 U.S.C. § 1337(a). The “same case or controversy” requirement means the federal and state law claims must share a common nucleus of operative facts, such that the plaintiff would be expected to litigate the claims together in the same proceeding. *ABF Freight Sys., Inc. v. Int'l Bhd. Of Teamsters*, 645 F.3d 954, 963 (8th Cir. 2011).

10. Accordingly, this Court may, and should, exercise supplemental jurisdiction over Plaintiff's state law claims, as these also arise from the same set of operative facts on which her federal claims are based.

11. Pursuant to 28 U.S.C. § 1446(d), Defendant has given written notice of its filing of this Notice to Plaintiff. Defendant will also promptly file a copy of this Notice with the Circuit Court of Jefferson County, State of Missouri.

12. Pursuant to 28 U.S.C. § 1446(a), copies of all process, pleadings, and orders served on Defendant and those retrieved by the undersigned counsel from Missouri Case.Net are attached to this Notice as *Exhibit A*.

WHEREFORE, Defendant Mercy Jefferson, by and through its counsel, desiring to remove this civil action of the United States District Court for the Eastern District of Missouri, Eastern Division, prays that the filing of this Notice of Removal, the giving of written notice thereof to Plaintiff, and the filing of a copy of this Notice of Removal with the clerk of the Circuit Court of Jefferson County, State of Missouri, shall effect the removal of said civil action to this Honorable Court.

Respectfully submitted,

**OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.**

/s/ James M. Paul

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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on April 24, 2023, I electronically filed the above and foregoing document using the Court's e-filing system and emailed it to the following:

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/s/ James M. Paul
An Attorney for Defendant